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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,
10
11 Plaintiff,

12 vs.

13 Abraham Chol Keech, et al.,
14 Defendants.

CR-24-00394-PHX-SPL

**[PROPOSED] PROTECTIVE ORDER
PERTAINING TO CLASSIFIED
INFORMATION**

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16 This matter is before the Court upon the Government’s Unopposed Motion for a
17 Protective Order Pursuant to Section 3 of the Classified Information Procedures Act
18 (“CIPA”). Pursuant to the authority granted under Section 3 of CIPA, the Revised Security
19 Procedures established pursuant to Pub. L. 96-456, 94 Stat. 2025, by the Chief Justice of
20 the United States for the Protection of Classified Information (hereinafter “Security
21 Procedures,” which are reprinted after CIPA § 9), Rules 16 and 57 of the Federal Rules of
22 Criminal Procedure, and the general supervisory powers of the Court, and to protect the
23 national security, the following Protective Order is entered:

24 1. The Court finds that this case will involve information that has been
25 classified in the interest of national security. The storage, handling, and control of this
26 information will require special security precautions mandated by statute, executive order,
27 and regulation, and access to this information requires appropriate security clearances and
28 need-to-know, as set forth in Executive Order 13256 (or successor order), that has been

1 validated by the Government.¹ The purpose of this Order is to establish procedures that
2 counsel must follow in this case. These procedures will apply to all pretrial, trial, post-
3 trial, and appellate matters concerning classified information and may be modified from
4 time to time by further Order of the Court acting under its inherent supervisory authority
5 to ensure a fair and expeditious trial.

6 2. Definitions. The following definitions shall apply to this Order:

7 a. “Government” or “the Government” refers collectively to the
8 Department of Justice prosecutors and support staff, law enforcement, or intelligence
9 community employees assisting with facilitating classified discovery in this matter.

10 b. The “defense” or “defense team” refers collectively to the
11 Defendants’ counsel and any support staff, investigators, or experts assisting the
12 Defendants’ counsel authorized to receive classified information pursuant to this Order.

13 c. “Classified information” shall include:

14 i. Any document, recording, or information, regardless of its
15 origin and including information acquired or conveyed orally, that has been marked or
16 otherwise identified by the Government to the defense as classified by any Executive
17 Branch agency in the interests of national security pursuant to Executive Order 13526, as
18 amended, or its predecessor or successor orders, including but not limited to any document,
19 recording, or information marked “SECRET” or “NOFORN.”

20 ii. Any document, recording, or information now or formerly in
21 the possession of a private party that (A) has been derived from information that was
22 classified by the United States Government, and/or (B) has been classified by the United
23 States Government as set forth above;

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27 ¹ Any individual to whom classified information is disclosed pursuant to this Order
28 shall not disclose such information to another individual unless the Government, as defined
in Section 2(a), has validated that the proposed recipient possesses an appropriate security
clearance and need to know.

1 iii. Verbal or other unwritten or unrecorded information known to
2 the Defendants or the defense team that has been classified by the United States
3 Government as set forth above and identified by the Government to the defense as
4 classified;

5 iv. Any information, regardless of its origin, that the defense
6 knows or reasonably should know contains classified information, based on information
7 provided by the Government, including information acquired or conveyed orally;

8 v. Any document, recording, or information as to which the
9 defense has been notified orally or in writing contains classified information; and

10 d. “Document,” “materials,” and “information” shall include, but are not
11 limited to:

12 i. all written, printed, visual, digital, electronic, or audible matter
13 of any kind, formal or informal, including originals, conforming copies, and non-
14 conforming copies (whether different from the original by reason of notation made on such
15 copies or otherwise), as well as metadata;

16 ii. notes (handwritten, oral, or electronic); papers; letters;
17 correspondence; memoranda; reports; summaries; photographs; maps; charts; graphs;
18 inter-office communications; notations of any sort concerning conversations, meetings, or
19 other communications; bulletins; teletypes; telecopies; telegrams; telexes; transcripts;
20 cables; facsimiles; invoices; worksheets and drafts; microfiche; microfilm; videotapes;
21 sound recordings of any kind; motion pictures; electronic, mechanical or electric records
22 of any kind, including but not limited to tapes, cassettes, disks, recordings, films, typewriter
23 ribbons, word processing or other computer tapes, disks, or thumb drives and all manner
24 of electronic data-processing storage; and alterations, modifications, changes, and
25 amendments of any kind to the foregoing; and

26 iii. information obtained orally.
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1 e. "Access to classified information" shall mean having access to,
2 reviewing, reading, learning, or otherwise coming to know in any manner classified
3 information.

4 f. "Secure Area" shall mean a facility approved by a designated
5 Classified Information Security Officer ("CISO") for the storage, handling, and control of
6 classified information.

7 **Classified Information**

8 3. All classified information that the Government approves for limited
9 authorized disclosure to the defense shall contain an appropriate classification marking.
10 All disclosed classified documents, photos, and other physical representations, whether
11 produced electronically or in hard copy, shall, where feasible, contain an appropriate
12 classification marking at the top of each page of the physical representation.

13 4. All classified documents, and classified information contained therein, shall
14 remain classified unless the documents bear a clear indication that they are not classified
15 or have been declassified by the agency or department that originated the document or
16 information contained therein ("originating agency").

17 5. All access to classified information shall conform to this Order and the
18 Memorandum of Understanding described herein.

19 6. Any classified information provided to the defense by the Government is to
20 be used solely by the defense and solely for the purpose of preparing the defense. The
21 defense may not disclose or cause to be disclosed in connection with this case any
22 information known or reasonably believed to be classified information except as otherwise
23 provided herein.

24 7. The defense team may not disclose classified information to the Defendants,
25 either implicitly or explicitly. The defense team may not confirm or deny to the Defendants
26 any assertions made by the Defendants where such denial or confirmation may be based
27 on knowledge the defense team may have obtained from classified information.
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1 alternate CISOs. The defense shall seek guidance from the CISO with regard to appropriate
2 storage, handling, transmittal, and use of classified information.

3 12. The Government has advised the Court that Assistant United States
4 Attorneys Amy C. Chang, Raymond K. Woo, and M. Bridget Minder, and Trial Attorneys
5 Christopher M. Cook and Leslie C. Esbrook, as well as their supervisors (“Government
6 counsel”), have the security clearances allowing them to have access to the classified
7 information that Government counsel intend to disclose in this case.

8 13. The Court has been advised, through the CISO, that counsel for Defendant
9 Peter Ajak (Kurt Altman) and counsel for Defendant Abraham Keech (Dominic Rizzi and
10 Richard Bock), have been granted security clearances permitting them to have access to
11 the classified information that Government counsel intend to disclose pursuant to this
12 Order.

13 14. *Protection of Classified Information.* The Court finds that to protect the
14 classified information involved in this case, to the extent that the defense team have the
15 requisite security clearances and a “need to know” the classified information, they and any
16 other member of the defense team who subsequently receives the requisite security
17 clearances and has a “need to know” the classified information, shall be given authorized
18 access to classified national security documents and information as required by the
19 Government’s discovery obligations and subject to the terms of this Protective Order, the
20 requirements of CIPA, the Memorandum of Understanding attached hereto, and any other
21 Orders of this Court.

22 15. The signed Memorandum of Understanding shall be filed with the Court, and
23 executed copies of the Memorandum of Understanding shall be served upon the
24 Government. The substitution, departure, or removal for any reason from this case of
25 counsel for the Defendants or any other member of the defense, shall not release that
26 individual from the provisions of this Order or the Memorandum of Understanding
27 executed in connection with this Order.
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1 16. Pursuant to Section 4 of the security procedures promulgated pursuant to
2 CIPA, no court personnel required by this Court for its assistance shall have access to
3 classified information involved in this case unless that person shall first have received the
4 necessary security clearance as determined by the CISO.

5 17. Any additional persons whose assistance the defense reasonably requires
6 may have access to classified information in this case only if they are granted an
7 appropriate security clearance through the CISO, obtain approval from this Court with prior
8 notice of the identity of the additional persons to the Government, and satisfy the other
9 requirements described in this Order for access to classified information.

10 18. An individual with a security clearance and a “need to know” as determined
11 by any Government entity is not automatically authorized to disclose any classified
12 information to any other individual, even if that other individual also has a security
13 clearance. Rather, any individual who receives classified information may disclose that
14 information only to an individual who has been determined by an appropriate Government
15 entity to have both the required security clearance and a need to know the information.

16 19. *Secure Areas for the Defense.* The Court is informed that the CISO has
17 arranged for approved Secure Areas for use by the defense. The CISO shall establish
18 procedures to assure the Secure Areas are accessible during business hours to the defense,
19 and at other times upon reasonable request as approved by the CISO in consultation with
20 the United States Marshals Service. The Secure Areas contain a working area for the
21 defense and will be outfitted with any secure office equipment requested by the defense
22 that is reasonable and necessary to the preparation of the defense. The CISO, in
23 consultation with counsel for the Defendants, shall establish procedures to assure that the
24 Secure Areas are maintained and operated in the most efficient manner consistent with the
25 protection of classified information and in compliance with security policy. No classified
26 documents, material, recordings, or other information may be removed from the Secure
27 Areas unless so authorized by the CISO. The CISO shall not reveal to the Government the
28 content of any conversations they may hear among the defense, nor reveal the nature of the

1 documents being reviewed, or the work being generated. The presence of the CISO shall
2 not operate to render inapplicable the attorney-client privilege.

3 20. *Filing of Papers by the Defense.* Any pleading or other document filed by
4 the defense that counsel for the Defendants knows or reasonably should know contains
5 classified information as defined in paragraph 2(c), shall be filed as follows:

6 a. The document shall be filed under seal with the CISO or an
7 appropriately cleared designee and shall be marked, "Filed in Camera and Under Seal with
8 the Classified Information Security Officer." The time of physical submission to the CISO
9 or an appropriately cleared designee shall be considered the date and time of filing and
10 should occur no later than 5:00 p.m. Within a reasonable time after making a submission
11 to the CISO, the defense shall file on the public record in the CM/ECF system a "Notice
12 of Filing" notifying the Court that the submission was made to the CISO. The notice should
13 contain only the case caption and an unclassified title of the filing.

14 b. The CISO shall consult with representatives of the agency or agencies
15 having the relevant classification authority in order to determine whether the pleading or
16 document contains classified information. If the agency or agencies with classification
17 authority determine that the pleading or document contains classified information, the
18 CISO shall ensure the document is marked with the appropriate classification marking and
19 remains under seal.

20 c. The CISO shall promptly deliver or, if required, arrange for delivery
21 by an appropriately cleared designee under seal to the Court and Government counsel any
22 pleading or document to be filed by the defense that contains classified information, unless
23 the pleading or document is an ex parte filing.

24 21. *Filing of Papers by the Government.* Any pleading or other document filed
25 by the Government that Government counsel knows or reasonably should know contains
26 classified information as defined in paragraph 2(c), shall be filed as follows:

27 a. The document shall be filed under seal with the CISO or an
28 appropriately cleared designee and shall be marked, "Filed in Camera and Under Seal with

1 the Classified Information Security Officer.” The time of physical submission to the CISO
2 or an appropriately cleared designee shall be considered the date and time of filing and
3 should occur no later than 5:00 p.m. Within a reasonable time after making a submission
4 to the CISO, Government counsel shall file on the public record in the CM/ECF system a
5 “Notice of Filing” notifying the Court that the submission was made to the CISO. The
6 notice should contain only the case caption and an unclassified title of the filing.

7 b. The CISO shall promptly deliver or, if required, arrange for delivery
8 by an appropriately cleared designee under seal to the Court and the defense team any
9 pleading or document to be filed by the defense that contains classified information, unless
10 the pleading or document is an ex parte filing.

11 22. *Record and Maintenance of Classified Filings.* The CISO shall maintain a
12 separate sealed record for those materials that are classified. The CISO shall be responsible
13 for maintaining the secured records for purposes of later proceedings or appeal.

14 23. *The Classified Information Procedures Act.* Procedures for public disclosure
15 of classified information in this case shall be those established by CIPA. The defense shall
16 comply with the requirements of CIPA Section 5 prior to any disclosure of classified
17 information during any proceeding in this case. As set forth in Section 5, the defense shall
18 not disclose any information known or believed to be classified in connection with any
19 proceeding until notice has been given to Government counsel and until the Government
20 has been afforded a reasonable opportunity to seek a determination pursuant to the
21 procedures set forth in CIPA Section 6, and until the time for the Government to appeal
22 any adverse determination under CIPA Section 7 has expired or any appeal under Section 7
23 by the Government is decided. Pretrial conferences involving classified information shall
24 be conducted *in camera* in the interest of the national security, be attended only by persons
25 granted access to classified information and a need to know, and the transcripts of such
26 proceedings shall be maintained under seal.

1 24. *Access to Classified Information.* In the interest of the national security,
2 representatives of the defense granted access to classified information shall have access to
3 classified information only as follows:

4 a. All classified information produced by the Government to the defense
5 team in discovery or otherwise, and all classified information possessed, created or
6 maintained by the defense, including notes and any other work product, shall be stored,
7 maintained and used only in the Secure Areas established by the CISO, unless otherwise
8 authorized by the CISO.

9 b. The defense shall have free access to the classified information made
10 available to them in the Secure Areas established by the CISO and shall be allowed to take
11 notes and prepare documents with respect to those materials. All documents prepared by
12 the defense (including, without limitation, pleadings or other documents intended for filing
13 with the Court) that do or may contain classified information must be prepared in the
14 Secure Areas on word processing equipment approved by the CISO. All such documents
15 and any associated materials (such as notes, drafts, copies, typewriter ribbons, magnetic
16 recordings, exhibits, thumb drives, discs, CDs, DVDs exhibits, and electronic or digital
17 copies) that may contain classified information shall be maintained in the Secure Areas
18 unless and until the CISO determines that those documents or associated materials are
19 unclassified in their entirety. None of these materials shall be disclosed to Government
20 counsel or any other party.

21 c. No representative of the defense (including but not limited to counsel,
22 investigators, paralegals, translators, experts, and witnesses) shall copy or reproduce any
23 classified information in any manner or form, except with the approval of the CISO and in
24 accordance with the procedures established by the CISO for the operation of the Secure
25 Area.

26 d. The defense shall discuss classified information only within the
27 Secure Areas or in an area authorized by the CISO.
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1 e. The defense shall not disclose, without prior approval of the Court,
2 classified information to any person, including Defendants, not named in this Order except
3 to the Court, Court personnel, and Government personnel identified by the CISO as having
4 the appropriate clearances and the need to know. Government counsel shall be given an
5 opportunity to be heard in response to any defense request for disclosure to a person not
6 identified in this Order. Any person approved by this Court for access to classified
7 information under this paragraph shall be required to obtain the appropriate security
8 clearance or other appropriate permission or waiver from the Government, to sign and
9 submit to this Court the Memorandum of Understanding appended to the Order, and to
10 comply with all the terms and conditions of the Order. As set forth above, the defense shall
11 not disclose classified information, even to an individual with the appropriate security
12 clearance, without following the above-described procedures.

13 f. The defense shall not discuss classified information over any standard
14 commercial telephone instrument or office intercommunication systems, including but not
15 limited to the Internet and email, or in the presence of any person who has not been granted
16 access to classified information by the Court.

17 g. Any documents written by the defense that do or may contain
18 classified information shall be transcribed, recorded, typed, duplicated, copied, or
19 otherwise prepared only by persons who have received an appropriate approval for access
20 to classified information.

21 25. Any unauthorized disclosure or mishandling of classified information may
22 constitute violations of federal criminal law. In addition, any violation of the terms of this
23 Order shall be brought immediately to the attention of the Court and may result in a charge
24 of contempt of Court and possible referral for criminal prosecution. Any breach of this
25 Order may also result in termination of an individual's access to classified information.
26 Persons subject to this Order are advised that direct or indirect unauthorized disclosure,
27 retention, or handling of classified documents or information could cause serious damage,
28 and in some cases exceptionally grave damage to the national security of the United States,

1 or may be used to the advantage of a foreign nation against the interests of the United
2 States. The purpose of this Order is to ensure that those authorized to receive classified
3 information in connection with this case will never divulge that information to anyone not
4 authorized to receive it.

5 26. All classified documents and information to which the defense has access in
6 this case are now and will remain the property of the United States. Upon demand of the
7 CISO, all persons shall return to the CISO all classified information in their possession
8 obtained through discovery from the Government in this case, or for which they are
9 responsible because of access to classified information.

10 27. The notes, summaries, and other documents prepared by the defense that do
11 or may contain classified information shall remain at all times in the custody of the CISO
12 for the duration of the case. At the conclusion of this case, including any appeals or
13 ancillary proceedings thereto, all such notes, summaries, and other documents are to be
14 destroyed by the CISO in the presence of counsel for the Defendants if they choose to be
15 present. Even upon the conclusion of this case, the parties, counsel, and any of their
16 representatives or associates to whom classified documents or information was disclosed,
17 remain obligated to protect against the unauthorized disclosure of any classified
18 information learned during the course of the proceedings, as described herein.

19 28. Nothing contained in this Order shall be construed as a waiver of any right
20 of the Defendant. No admission made by the Defendant or his counsel during pretrial
21 conferences may be used against the Defendant unless it is in writing and signed by the
22 Defendant. *See* CIPA § 2.

23 29. A copy of this Order shall be issued forthwith to counsel for the Defendants
24 who shall be responsible for advising the Defendants and representatives of the defense of
25 the contents of this Order. Counsel for the Defendants and any other representatives of the
26 defense who will be provided access to the classified information, shall execute the
27 Memorandum of Understanding described in paragraph 16 of this Order, and counsel for
28 the Defendants shall file executed originals of such documents with the Court and the CISO

1 and serve an executed original upon the Government. The execution and filing of the
2 Memorandum of Understanding is a condition precedent for counsel for the Defendants
3 and any other representative of the defense to have access to classified information.

4 So ordered this ____ day of June, 2025.

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6 HONORABLE STEVEN P. LOGAN
7 United States District Judge
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Abraham Chol Keech, et al.,

Defendants.

CR-24-00394-PHX-SPL

**MEMORANDUM OF
UNDERSTANDING REGARDING
RECEIPT OF CLASSIFIED
INFORMATION**

Having familiarized myself with the applicable statutes, regulations, and orders, including but not limited to, Title 18, United States Code, Sections 793, 794, 798, and 1924; the Intelligence Identities Protection Act, Title 50, United States Code, Section 3121; Title 18, United States Code, Section 641; Title 50, United States Code, Section 783; and Executive Order 13526, I understand that I may be the recipient of information and documents that concern the present and future security of the United States and which belong to the United States, and that such documents and information together with the methods and sources of collecting it are classified by the United States Government. In consideration for the disclosure of classified information and documents:

1. I agree that I shall never divulge, publish, or reveal either by word, conduct or any other means, such classified documents and information unless specifically authorized in writing to do so by an authorized representative of the United States Government; or as expressly authorized by the Court pursuant to the Classified Information

1 Procedures Act and the Protective Order entered in *United States v. Keech, et al.*, CR-24-
2 00394-PHX-SPL.

3 2. I agree that this Memorandum will remain forever binding on me.

4 3. I have received, read, and understand the Protective Order entered by the
5 United States District Court for the District of Arizona on _____, 2025, in
6 *United States v. Keech, et al.*, CR-24-00394-PHX-SPL, relating to classified information,
7 and I agree to comply with the provisions thereof.

8 4. I understand that any prior contractual obligations that may bind me to
9 continue to protect classified information remain in full force and effect, and are not
10 superseded by this Memorandum of Understanding. Additionally, I understand that this
11 Memorandum of Understanding does not absolve me of any criminal or civil penalties that
12 may otherwise be imposed upon me as a result of my unauthorized disclosure of classified
13 information.

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17 _____
18 Counsel for the Defendant

Date